

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 12-03045-01-CR-S-RTD

CHARLES FREDERICK WHITE,

Defendant.

**UNITED STATES' RESPONSE TO DEFENDANT'S
MOTION TO DISCLOSE ELECTRONIC SURVEILLANCE**

COMES NOW the United States of America, by the United States Attorney for the Western District of Missouri, and Timothy A. Garrison, Assistant United States Attorney, and responds to Defendant Charles White's *Motion to Disclose Electronic Surveillance*. (Doc. 54.)

The United States responds that:

1. Upon receiving notice of White's motion, the undersigned counsel for the United States directed the case agent in this matter, Combined Ozarks Multijurisdictional Enforcement Team (COMET) Task Force Officer Tim Carpenter, to investigate White's allegations.

2. TFO Carpenter contacted Missouri State Highway Patrol Sergeant Jim Wingo, who recalled that in the late summer or early fall of 2010, he observed two males fill a pickup truck with a load of plant growing equipment at Green Circle Hydroponics in Kansas City, Missouri. Sergeant Wingo identified one of the men as White by checking the truck's registration and obtaining White's driver's license photograph. Sergeant Wingo did not write any reports of his observations, and as of the date of this response, has been unable to locate any dispatch records pertaining to the event.

3. Sergeant Wingo did, however, relay his observations to MSHP Sergeant Dan Banasik, who conducts drug-related investigations in Southwest Missouri. Sergeant Banasik informed the undersigned that he directed a brief inquiry, but that no criminal activity was uncovered, and the matter was not pursued further.

4. The allegations in White's motion pertaining to a Missouri State Highway Patrol surveillance operation at Green Circle Hydroponics in 2010 were

unknown to any law enforcement officer involved in the 2012 criminal investigation which led to the indictment in this case. The fact that White shopped there formed no part of the probable cause determination for the search warrant for his property.

5. If any material subject to discovery is uncovered as a result of this late revelation, the United States will provide it in accordance with the scheduling and trial order in this case

Respectfully submitted,

TAMMY DICKINSON
United States Attorney

By */s/ Timothy A. Garrison*

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CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2013, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which sent e-mail notification of such filing to all CM/ECF participants in this case.

/s/ Timothy A. Garrison

TIMOTHY A. GARRISON
Assistant U.S. Attorney